

and one year in addition to the four years for a medical officer who has completed one year of medical internship or the equivalent, respectively, redesignated cl. (9) as (7), and in text following cl. (7), as so redesignated, substituted “subsections (b), (c), and (d) of section 1402 and subsections (b), (c), and (d) of section 1402a” for “section 1402(b)–(d) and section 1402a(a)–(d)”, and “clauses (2) through (7)” for “clauses (2)–(9)”.

Pub. L. 96-513, §516(3), substituted in cl. (5) “National Oceanic and Atmospheric Administration” for “Environmental Science Service Administration” and in provision following cl. (9) substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Service Administration” and inserted “Environmental Science Service Administration” before “Coast and Geodetic Survey”.

Pub. L. 96-342 inserted reference to section 1402a(a)–(d) of title 10.

Subsec. (b). Pub. L. 96-513, §402(b), struck out provisions relating to reduction of amount of service authorized to be credited under cl. (7) or (8) of subsec. (a) of this section.

Subsecs. (c) to (e). Pub. L. 96-513, §402(c), redesignated subsecs. (d) and (e) as (c) and (d), respectively. Former subsec. (c), relating to limitations on service credited under cl. (7) or (8) of subsec. (a) of this section, was struck out.

1974—Subsec. (a)(1). Pub. L. 93-545 inserted “aviation midshipman,” after “flight officer.”.

1968—Subsec. (e). Pub. L. 90-623 substituted “October 13, 1964,” for “the enactment of this subsection”.

1966—Subsec. (a). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey” in cl. (5) and inserted provision that, for the purpose of cl. (5), periods during which a member was a deck officer or junior engineer in the Environmental Science Services Administration includes periods during which a member was a deck officer or junior engineer in the Coast and Geodetic Survey.

1964—Subsec. (e). Pub. L. 88-647 added subsec. (e).

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Section 607(b) of Pub. L. 98-525 provided that: “The amendment made by subsection (a) [amending this section] shall apply to persons who enlist under section 511 [now 12103] of title 10, United States Code, on or after the first day of the third calendar month which begins after the date of the enactment of this Act [Oct. 19, 1984].”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 402 of Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

Amendment by section 516(3) of Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

#### TRANSITION PROVISION

Subsec. (f) of this section applicable to certain enlisted members of the Marine Corps Reserve selected for training as an officer candidate under section 12209 of Title 10, Armed Forces, before implementation of a

financial assistance program under section 16401 of Title 10, see section 551(d) of Pub. L. 106-65, set out as a note under section 16401 of Title 10.

#### BENEFITS NOT TO ACCRUE FOR PERIODS PRIOR TO SEPTEMBER 23, 1996

No increase in pay or retired or retainer pay to accrue for periods before Sept. 23, 1996, by reason of amendments made by section 507 of Pub. L. 104-201, see section 507(c) of Pub. L. 104-201, set out as a note under section 2106 of Title 10, Armed Forces.

#### TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provisions to prevent extinction or premature termination of rights, duties, penalties, or proceedings that existed or were begun prior to the effective date of Pub. L. 96-513, and otherwise to allow for an orderly transition to the system of officer personnel management put in place under Pub. L. 96-513, see section 601 et seq. (particularly §625) of Pub. L. 96-513, set out as a note under section 611 of Title 10, Armed Forces.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 201, 203, 301c, 308, 326, 406 of this title; title 10 sections 972, 2126; title 42 section 212.

### § 206. Reserves; members of National Guard: inactive-duty training

(a) Under regulations prescribed by the Secretary concerned, and to the extent provided for by appropriations, a member of the National Guard or a member of a reserve component of a uniformed service who is not entitled to basic pay under section 204 of this title, is entitled to compensation, at the rate of  $\frac{1}{30}$  of the basic pay authorized for a member of a uniformed service of a corresponding grade entitled to basic pay—

(1) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday;

(2) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe; or

(3) for a regular period of instruction that the member is scheduled to perform but is unable to perform because of physical disability resulting from an injury, illness, or disease incurred or aggravated—

(A) in line of duty while performing—

(i) active duty; or

(ii) inactive-duty training;

(B) while traveling directly to or from that duty or training (unless such injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member); or

(C) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training.

(b) The regulations prescribed under subsection (a) for each uniformed service, the National Guard, and each of the classes of organization of the reserve components within each uniformed service, may be different. The Sec-

retary concerned shall, for the National Guard and each of the classes of organization within each uniformed service, prescribe—

(1) minimum standards that must be met before an assembly for drill or other equivalent period of training, instruction, duty, or appropriate duties may be credited for pay purposes, and those standards may require the presence for duty of officers and enlisted members in numbers equal to or more than a minimum number or percentage of the unit strength for a specified period of time with participation in a prescribed kind of training;

(2) the maximum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties, that may be counted for pay purposes in each fiscal year or in lesser periods of time; and

(3) the minimum number of assemblies or periods of other equivalent training, instruction, duty, or appropriate duties that must be completed in stated periods of time before the members of units or organizations can qualify for pay.

(c) A person enlisted in the inactive National Guard is not entitled to pay under this section.

(d)(1) Except as provided in paragraph (2), this section does not authorize compensation for work or study performed by a member of a reserve component in connection with correspondence courses of a uniformed service.

(2) A member of the Selected Reserve of the Ready Reserve may be paid compensation under this section at a rate and under terms determined by the Secretary of Defense, but not to exceed the rate otherwise applicable to the member under subsection (a), upon the member's successful completion of a course of instruction undertaken by the member using electronic-based distributed learning methodologies to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary concerned. The compensation may be paid regardless of whether the course of instruction was under the direct control of the Secretary concerned or included the presence of an instructor.

(e) A member of the National Guard or of a reserve component of the uniformed services may not be paid under this section for more than four periods of equivalent training, instruction, duty, or appropriate duties performed during a fiscal year instead of the member's regular period of instruction or regular period of appropriate duty during that fiscal year.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 460; Pub. L. 98-525, title XIV, §1402(a), Oct. 19, 1984, 98 Stat. 2620; Pub. L. 99-661, div. A, title VI, §604(c), Nov. 14, 1986, 100 Stat. 3876; Pub. L. 100-456, div. A, title VI, §631(c), Sept. 29, 1988, 102 Stat. 1985; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 104-106, div. A, title VII, §702(d), Feb. 10, 1996, 110 Stat. 371; Pub. L. 105-85, div. A, title V, §513(g), Nov. 18, 1997, 111 Stat. 1732; Pub. L. 107-107, div. A, title V, §513(e), title VI, §603(a), Dec. 28, 2001, 115 Stat. 1093, 1133.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
206(a) .....	37:301(a) (less 45 words before proviso and proviso). 37:301(e) (as applicable to basic pay).	Oct. 12, 1949, ch. 681, §501(a) (less 45 words before proviso), (b) (less 1st sentence), (e) (as applicable to basic pay), 63 Stat. 825, 827; Aug. 10, 1956, ch. 1041, §20(e), (f), 70A Stat. 629; June 30, 1960, Pub. L. 86-559, §8, 74 Stat. 282.
206(b) .....	37:301(a) (proviso).	
206(c) .....	32:303(c).	[None.]
206(d) .....	37:301(b) (less 1st sentence).	

In subsection (a), the words “National Guard” are substituted for the words “National Guard, Air National Guard”, in section 301(a) of existing title 37, to conform to the definition of “National Guard” in section 101(6) of this revised title. The words “member of a reserve component of a uniformed service” are substituted for the words “National Guard of the United States, Air National Guard of the United States, Organized Reserve Corps, Naval Reserve, Air Force Reserve, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service,” since all of those organizations, or their successors, are the reserve components of the uniformed services. The words “who is not entitled to basic pay under section 204 of this title” are substituted for section 301(e) as (applicable to basic pay) of existing title 37. The words “of a corresponding grade” are inserted for clarity.

In subsection (b), the words “National Guard or reserve components” are substituted for the listing of organizations for the reasons set forth above. Reference to “classes of organization,” so far as they relate to the National Guard, are omitted, since there are no classes of organization of the National Guard.

## PRIOR PROVISIONS

Provisions similar to those comprising subsec. (e) of this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, §101(h) [title VIII, §8020], Oct. 12, 1984, 98 Stat. 1904, 1927.

Pub. L. 98-212, title VII, §722, Dec. 8, 1983, 97 Stat. 1442.

Pub. L. 97-377, title I, §101(c) [title VII, §725], Dec. 21, 1982, 96 Stat. 1833, 1855.

Pub. L. 97-114, title VII, §725, Dec. 29, 1981, 95 Stat. 1583.

Pub. L. 96-527, title VII, §726, Dec. 15, 1980, 94 Stat. 3086.

Pub. L. 96-154, title VII, §726, Dec. 21, 1979, 93 Stat. 1157.

Pub. L. 95-457, title VIII, §826, Oct. 13, 1978, 92 Stat. 1248.

## AMENDMENTS

2001—Subsec. (a)(3)(C). Pub. L. 107-107, §513(e), struck out “, if the site is outside reasonable commuting distance from the member's residence” before period at end.

Subsec. (d). Pub. L. 107-107, §603(a), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), this section” for “This section” and “a uniformed service” for “an armed force”, and added par. (2).

1997—Subsec. (a)(3)(C). Pub. L. 105-85 inserted “while remaining overnight immediately before the commencement of inactive-duty training, or” after “in line of duty”.

1996—Subsec. (a)(3)(C). Pub. L. 104-106 added subpar. (C).

1991—Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1988—Subsec. (a)(3)(A)(i). Pub. L. 100-456 struck out “for a period of 30 days or less” after “active duty”.

1986—Subsec. (a). Pub. L. 99-661, substituted “entitled to basic pay—” and pars. (1) to (3) for “entitled to basic pay, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or holiday, or for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe.”

1984—Subsec. (e). Pub. L. 98-525 added subsec. (e).

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable with respect to persons who, after Sept. 29, 1988, incur or aggravate an injury, illness, or disease, or who die as the result of incurring or aggravating an injury, illness, or disease, see section 631(d) of Pub. L. 100-456, set out as a note under section 204 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of Title 10, Armed Forces.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 204, 301, 301a, 301c, 304, 305b, 306, 307, 308d, 310, 316, 320, 402, 433, 707, 1012 of this title; title 5 section 8440e; title 10 sections 101, 1076a, 1076b, 1465, 1466, 12319, 12503; title 26 section 3121; title 31 section 698a; title 32 sections 115, 715; title 38 section 101; title 42 section 409.

### § 207. Band leaders

(a) The leader of the Army Band is entitled to the basic pay of a captain in the Army.

(b) The leader of the United States Navy Band is entitled to the basic pay of a lieutenant in the Navy.

(c) A member of the Marine Corps who is appointed as director or assistant director of the United States Marine Band under section 6222 of title 10 is entitled, while serving thereunder, only to the basic pay of an officer in the grade in which he is serving. However, his basic pay may not be less than that to which he was entitled at the time of his appointment under that section.

(d) The leader of the Naval Academy Band is entitled to the basic pay of the grade the Secretary of the Navy prescribes. The second leader is entitled to the basic pay of a warrant officer, W-1.

(e) The director of the Coast Guard Band is entitled to the basic pay of an officer in the grade in which he is serving. However, his basic pay may not be less than that to which he was entitled at the time of his appointment as director.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 460; Pub. L. 89-189, §2, Sept. 17, 1965, 79 Stat. 820; Pub. L. 95-551, §3(b)(1), Oct. 30, 1978, 92 Stat. 2069.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
207(a) .....	10:3536(b) (as applicable to basic pay).	[None.]
207(b) .....	10:4338(a) (as applicable to basic pay).	[None.]
207(c) .....	10:6221(b) (as applicable to basic pay).	[None.]
207(d) .....	10:6222(e) (as applicable to basic pay).	[None.]
207(e) .....	10:6969(b) (less last sentence, as applicable to basic pay).	[None.]

In subsection (a), the last 22 words of section 3536(b) of title 10 are omitted as covered by section 205 of this revised title.

In subsection (b), the last sentence of section 4338(a) of title 10 is omitted as covered by section 205 of this revised title.

In subsection (c), the last 22 words of section 6221(b) of title 10 are omitted as covered by section 205 of this revised title.

In subsection (e), the 2d sentence of section 6969(b) of title 10 is omitted as covered by section 205 of this revised title.

#### AMENDMENTS

1978—Subsec. (b). Pub. L. 95-551 redesignated former subsec. (c) as (b). Former subsec. (b), which provided that the director of music at the United States Military Academy be entitled to the basic pay of a commissioned officer of the rank prescribed for the director by the Secretary of the Army, was struck out.

Subsecs. (c) to (e). Pub. L. 95-551 redesignated former subsecs. (d) to (f) as (c) to (e), respectively.

Subsec. (f). Pub. L. 95-551 redesignated former subsec. (f) as (e).

1965—Subsec. (f). Pub. L. 89-189 added subsec. (f).

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 424 of this title.

### [§ 208. Repealed. Pub. L. 91-482, §1(b), Oct. 21, 1970, 84 Stat. 1082]

Section, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 461, provided that an officer furloughed under section 6406 of Title 10, Armed Forces, was entitled to pay at the rate of one-half of the basic pay to which he was entitled at the time of being furloughed.

### § 209. Members of precommissioning programs

(a) SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—(1) Except when on active duty, a member of the Senior Reserve Officers' Training Corps who is selected for advance training under section 2104 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than 30 months.

(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than \$250 per month, but may not exceed \$674 per month.

(3) A subsistence allowance under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)).

(b) SENIOR ROTC MEMBERS APPOINTED IN RESERVES.— Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under subsection